



Crl.O.P.No.753 of 2024

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C.V.KARTHIKEYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 34 r/w 109 of I.P.C r/w Section 4 of the Dowry Prohibition Act, 1961 in Crime No.19 of 2023, seek anticipatory bail.

2. The first petitioner is the husband of the defacto complainant and the defacto complainant is the mother of the first petitioner. It is stated that the marriage between the first petitioner and the defacto complainant had taken place on 24.02.2020. At the time of marriage, it is stated that the parents of the defacto complainant had presented 160 sovereigns of gold. However, there was one specific demand to produce a car and since inability was expressed about getting a car by the family of the defacto complainant, disputes arose which escalated further and further.

3. It is also stated that the defacto complainant had also initiated proceedings under the Domestic Violence Act in D.V.C.No. 203 of 2023



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which is now pending before the Additional Mahila Court, Egmore. One of the reason stated by the learned counsel appearing for the defacto complainant is that when the defacto complainant was pregnant the first petitioner gave pills which caused abortion.

4. The learned counsel for the petitioner had filed an affidavit of the first petitioner herein **wherein, it had been stated that the list of articles which are available with the defacto complainant namely Aadhar card, pan card, Bank Pass Book,cheque book, gold watch had been given.** However, there is also a further list which is given in schedule-A and according to the the learned counsel, those items which are primarily gold jewels which belongs to the petitioner had been taken by the defacto complainant. This statement is denied by the learned counsel appearing for the defacto complainant and it is stated that these items are still retained by the first petitioner.

5. In view of the two contradicting statements made, the Court can never come to any conclusion whether the articles are available with the defacto complainant or they still retained by the first petitioner. It is also



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stated that statements have also been recorded in the D.V.C.No.203 of 2023. The defacto complainant has also filed an affidavit, wherein she has given the description of valuables which are still available with the petitioner. There are also documents such as Aadhar card, Pan card etc., A list of gold jewellery had also been given. It is stated that even if she has taken back the gold jewellery, she has a right to retain it. It is stated by the learned counsel for the petitioner that the defacto complainant had stated khula and there there is voluntary inclination seeking divorce. These issues have to be examined only during the trial. In view of the specific fact that there is demand for dowry and the first petitioner had caused abortion to the defacto complainant, which will have to be examined only at the time of trial, at this stage I am not inclined to grant anticipatory bail to the first petitioner. Hence, **this petition is dismissed with regard to first petitioner** and anticipatory bail is granted to the second petitioner.

6.Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before



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the learned **Chief Metropolitan Magistrate, Egmore, Chennai** on condition that the second petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the second petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the second petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter as and when required for interrogation.

[c] the second petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the second petitioner shall not abscond either during investigation or trial.



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions have been imposed and the second petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

23.02.2024

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